

# EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

JOSE MANUEL CAJILEMA,	:	
on behalf of himself and all others	:	
similarly situated,	:	
Plaintiff,	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 2:23-cv-00080-GRB-AYS
BARRETT ROOFS, INC., and	:	
THOMAS DELANCEY, individually,	:	
	:	
Defendants.	:	

**DEFENDANT THOMAS DELANCEY’S RESPONSES TO  
PLAINTIFF’S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Fed. R. Civ. P. 34, Defendants, Barrett Roofs, Inc. (“Barrett”) and Thomas Delancey ( “Delancey”) (collectively, “Defendants”), by and through their undersigned counsel, hereby respond to Plaintiff’s First Request for Production of Documents to Defendants (“Document Requests”), as follows:

**GENERAL OBJECTIONS**

1. Defendants object to the Document Requests to the extent that they seek the production of documents protected from discovery by the attorney-client or other privilege and/or by the attorney work product doctrine.
2. Defendants object to the Document Requests to the extent that the individual requests for the production of documents contained therein are vague, ambiguous, overly broad, and/or would require an unduly burdensome search for documents or materials that are not relevant to any party’s claim or defense, and are not proportional to the needs of the case.

3. Defendants object to the Document Requests to the extent that they may be construed to require Defendants to produce documents which are already within Plaintiff's possession, custody, or control.

4. Defendants object to the Document Requests to the extent that they seek to impose obligations on the Defendants which are greater than those imposed by the Federal Rules of Civil Procedure.

### **OBJECTIONS AND RESPONSES TO DOCUMENT REQUESTS**

**REQUEST NO. 1:** Produce documents, such as timecards, notes or pay records, providing the following information for Plaintiff during the Relevant Period:

- (a) wage rates;
- (b) salary rates;
- (c) bonuses;
- (d) overtime rates;
- (e) hours worked;
- (f) dates of employment;
- (g) total compensation;
- (h) total weeks worked; and
- (i) total wages paid for each week worked.

**OBJECTION:** Defendants object to this request as it seeks information and documents that are within the custody and control of Plaintiffs.

**RESPONSE:** Subject to and without waiving the foregoing general and specific objections, see Plaintiff Jose Cajilema's pay records and W2 forms for 2020, 2021, and 2022, which were previously produced. Defendants will also produce the foreman's timesheets and

requests. Defendants reserve the right to amend, modify, clarify and/or supplement its responses and objections as appropriate.

**REQUEST NO. 35:** Produce documents consisting, containing or evidencing investigations, rulings, decisions or opinions rendered by any federal or state court or administrative agency, relating to the issue of whether Plaintiff was paid in compliance with federal and state laws. This request includes, but is not limited to, opinion letters (including opinions and advice from legal counsel) sought by Defendants concerning the compensation to Plaintiff for the Relevant Period.

**OBJECTION:** Objection. Defendants object to the extent this request seeks information protected from disclosure by the attorney-client or other privilege, the work product doctrine and/or the protection afforded mental impressions, conclusions, opinions or legal theories of one or more attorneys and/or representatives of Defendants.

**RESPONSE:** Subject to and without waiving the foregoing general and specific objections, Defendants are not aware of any responsive documents. Defendants reserve the right to amend, modify, clarify and/or supplement its responses and objections as appropriate.

**REQUEST NO. 36:** Produce documents that refer, relate, or pertain to any consultant reports concerning wages and/or hours worked and any exemptions to the NYLL and/or FLSA, concerning Plaintiff. This request includes any consultant reports addressing whether the Defendants' compensation practices for Plaintiff complied with the law for the Relevant Period.

**OBJECTION:** Objection. Defendants object to the extent this request seeks information protected from disclosure by the attorney-client or other privilege, the work product

**RESPONSE:** See documents produced in response to the foregoing requests, including any supplemental productions of documents. Defendants reserve the right to amend, modify, clarify and/or supplement its responses and objections as appropriate.

Date: October 31, 2024

/s/ William K. Kennedy

William K. Kennedy (Attorney I.D. No. 5640669)

MONTGOMERY McCracken Walker &  
Rhoads LLP

437 Madison Avenue

New York, NY 10022

(215) 772-1500

wkennedy@mmwr.com

*Attorneys for Defendant Thomas Delancey*

**CERTIFICATE OF SERVICE**

I, William K. Kennedy, hereby certify that on the 31st day of October, 2024, I caused a true and correct copy of Defendant Thomas Delancey's Responses to Plaintiff's First Request for Production of Documents to Defendants, to be served upon the following counsel via email addressed as follows:

Jeffrey R. Maguire, Esquire  
Stevenson Marino LLP  
445 Hamilton Avenue, Suite 1500  
White Plains, NY 10601  
([jmaguire@stevensonmariono.com](mailto:jmaguire@stevensonmariono.com))

Joshua Reitzas, Esquire  
Berlandi Nussbaum & Reitzas LLP  
125 Park Avenue, 25<sup>th</sup> Floor  
New York, NY 10017  
([jreitzas@bnrllp.com](mailto:jreitzas@bnrllp.com))

Date: October 31, 2024

/s/ William K. Kennedy  
William K. Kennedy